

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KATHLEEN J. KEACH AND
ECKLEY M. KEACH,

2:11-CV-00245-PMP-PAL

Plaintiffs,

ORDER

vs.

CITY CENTER BOUTIQUE
RESIDENTIAL DEVELOPMENT,
LLC, a Nevada limited liability
company; MGM RESORTS
INTERNATIONAL, a Delaware
corporation, et al.,

Defendants.

Before the Court for consideration are Defendants' Motion to Dismiss this Action and Compel Arbitration, or Alternatively, to Compel Arbitration and Stay Further Judicial Proceedings (Doc's #12 and #13), filed March 17, 2011, Plaintiffs' Amended Complaint (Doc. #15), filed April 30, 2011, and Defendants' Motion to Dismiss this Action and Compel Arbitration, or Alternatively, to Compel Arbitration and Stay Further Judicial Proceedings (Doc's #20 and #21), filed April 15, 2011.

Having considered the arguments set forth in the foregoing fully briefed motions, as well as those advanced by the parties at the hearing conducted May 4, 2011, the Court finds that paragraph 22, and subparagraphs thereof, of the Purchase and Sale Agreement at issue in this case do not require that disputes of the type

1 alleged in Plaintiffs' First Amended Complaint (Doc. #15) be subject to the
2 mediation and arbitration requirements set forth in paragraph 22.

3 **IT IS THEREFORE ORDERED that** Defendants' Motion to Dismiss
4 this Action and Compel Arbitration, or Alternatively, to Compel Arbitration and Stay
5 Further Judicial Proceedings (Doc's #12,#13, #20 and #21) are hereby **DENIED**.

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7 DATED: May 9, 2011.

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10 PHILIP M. PRO
11 United States District Judge
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